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FROM

The Intercollegiate
Prohibition Association

WHEN A STATE GOES DRY

WHEN A STATE GOES DRY

A BRIEF STUDY IN LAW ENFORCEMENT

BY

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CHAPTER I.

First Word

THE people of West Virginia, at the general election, 1912, adopted as part of their State Constitution a proposed amendment, reading as follows:

"On and after the first day of July, one thousand nine hundred and fourteen, the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, ale, porter, beer or any intoxicating drink, mixture or preparation of like nature, except as hereinafter provided, are hereby prohibited in this state. Provided, however, that the manufacture and sale and keeping for sale of such liquors for medicinal, pharmaceutical, mechanical, sacramental, and scientific purposes, and the manufacture and sale of denatured alcohol for industrial purposes may be permitted under such regulations as the legislature may prescribe. The legislature shall, without delay, enact such laws, with regulations, conditions, securities and penalties as may be necessary to carry into effect the provisions of this section."

Pursuant to the adopted amendment, the Legislature enacted laws to carry the same

into effect. Among other provisions of the laws is the provision that the state tax commissioner shall be ex-officio state commissioner of prohibition.

The enforcement of a prohibition law is an interesting study; and, such study includes the subjects of the following chapters.

The following chapters give some of the impressions made on the writer respecting law enforcement in the course of his efforts to discharge the duties imposed by law. No chapter exhausts the subject treated in the chapter. Indeed the subject of any of such chapters may well be made the subject of an entire book.

It is hoped, however, that enough has been said in the several chapters to awaken the interest of the reader, and stimulate him to reflection, as well as to secure his sympathy and win his co-operation.

CHAPTER II.

The Wreckage

ANY great destroying force leaves the evidences of its workings on the community visited by the force. The storm leaves its path; the flood leaves its track; and the path of the storm may be apparent for many years and the track of the flood may be ineffaceable.

When the people of a state, by law, rid the state of the saloon, they do not immediately rid the state of the products of the saloon. Inebriates, criminals, degenerates, slaves to the Master Drink and morally stunted citizens, grafters, some indifferent public officials, either with "wet" convictions and "wet" connections, or if not "wet," without courage to enforce law—these are some of the products of the saloon—its wreckage of society left to society. The state which, for a generation or generations, has given its men, young and old, to the saloon in exchange for so-called revenue, must reap that which she sowed—the wreckage of society left to society by the saloon. The state cannot clear away such wreckage in a day nor in a month nor in a

year. Indeed, to do so is a process requiring time, patience and effort, in which process law enforcement and education are two great factors.

In the summer of 1915, at the West Virginia Penitentiary, a young man paid the death penalty for taking the life of another. His poor old gray-haired mother, bowed under many weary years and great sorrow, came to carry home the body of her boy. Devoted to him in life, she loved him in death—as only a mother could. In her great anguish she sobbed: "He was a good boy. He was always so good to me. And now that he is gone I am left all alone in this world, and everything will be so lonely. I wish that I could have gone with him. He never gave me a harsh word in his life, and if it had not been for the saloon that taught him to drink, and if it had not been for the liquor that he got the day he shot that man, he never would have done it."

The young man had learned to drink when the state permitted the saloon. He was its product. A dealer outside the state had furnished him intoxicating liquor on the day the fatal shot was fired.

A widowed mother passes her days in her lonely home, and now and then lays a wreath of mountain flowers on the grave of her boy.

CHAPTER III.

Growth of Law

OPPONENTS of laws prohibiting the manufacture and sale of intoxicating liquors assert that such laws cannot be enforced. Such assertion is here denied. True, the law will not automatically enforce itself. Many factors must be dealt with, and many powerful forces overcome. Nevertheless such laws can be enforced. But the accomplishment of enforcement must come through persistent effort and a growth—a development. This growth—this development—may be slow. Time and patience are necessary. Those who believe in prohibition laws must prepare themselves to "run with patience the race that is set before us." The statement of the proposition should not discourage. Much already has been accomplished. Every great reform is slow. Men may claim the benefits of silently working forces of a century, and yet be unaware of their existence. The men of a generation may press the fruit of the tree that unknown hands planted!

Any great reform law is a growth. "An

eye for an eye" was not an original rule of law of the great Hebrew law-giver. Learned as he was in the learning of the Egyptians, Moses incorporated into the Hebrew law a rule of law that even then was of long standing. Back of the time of Moses society began the struggle to get away from the crude law that "Might is right." Some reformer, recognizing that society demanded a new law, had boldly proclaimed the new. Society never took so bold a step before, nor indeed has society since, in its efforts to make things better. Probably there were men, then, who loudly asserted that the new law could not be enforced; that it was impractical; and that it deprived them of their personal liberty. The law, however, became established. Through the intervening centuries the principle of the law has been part of the law of enlightened nations. The same principle is part of our law today. It is applied daily in the courts. In cases of assault or homicide where the accused relies upon self-defense, the material question is, did the accused use only reasonable and necessary force to defend himself. In civil cases the question often arising is, did one party or the other use only reasonable force. And yet the effort, the suffering, the sacrifice and time necessary to establish this great law!

Another illustration. The sovereign state prosecutes violators of the penal law. This is done on the theory that injury to the individual or his property violative of criminal statutes, is an injury done to society. Society—the state—at public expense provides courts, public prosecutors, compulsory attendance of witnesses, jurors and places for detention of those convicted of violation of criminal laws.

The lay citizen assumes that society—the state—always has prosecuted offenses against the individual and his property. Such, however, is not the fact. Even in the preserved records of European peoples punishment for injuries to the person or his property was left to the injured person or his blood kin. **Vengeance was law.** Criminal law began as private vengeance. Then followed a period in which the conception of communal peace began gradually to emerge; and in consequence private vengeance came to be considered as an interference with the public peace. The communal interest interposed and induced the contestants to put down their arms and agree upon a price to be paid to the injured. This was the Wergild. And later, but as a fiction, there developed the notion that injuries to the individual and to his property, with the right of vengeance to the injured, destroyed, or tended

to destroy, the peace of the king. Therefore, to preserve the peace of the king, the state denied to the private person the right to punish the offender by the punitive act of the injured person, and the state became the prosecutor and inflicted punishment in case of guilt. The old fiction referred to is reflected in indictments or presentments of our day. For, indictments conclude "against the peace and dignity of the king," or, with us, "against the peace and dignity of the state." And yet the years of pain and struggle while the law grew and developed!

In the period of development, particularly in the early stages, men resisted the growth and progress of the law: They probably insisted that the law was not practical; and that the law denied them their personal liberty by denying to them the right to wreak personal vengeance. But now, who would have society return to the law of "might is right," or the "law of vengeance"?

A nation grows and develops in its views of social rights and social wrongs. Such views crystallize into the law. In the early history of our nation lotteries were not unusual. On the contrary they were quite common. In some instances funds were raised by means of lotteries to build public bridges and highways,

and other internal improvements—lotteries for such purposes being authorized by law. Indeed, an act of the General Assembly of a state made provision for the property of a great statesman—an ex-President of the Republic—to be disposed of by a lottery conducted in the manner prescribed by the act.

Nearly a century after such act, public opinion against lotteries crystallized into law—in an act of Congress. The usual arguments against the law were made—such as the "denial of rights" guaranteed by the constitution, personal liberty, etc. In the argument it was urged on behalf of the appellant that "The Father of his Country believed in and patronized lotteries." However, the Supreme Court of the United States sustained the act, the court saying:

> "If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several states, provide that such commerce shall not be polluted by the carrying of lottery tickets from one state to another? In this connection it must not be forgotten that

the power of Congress to regulate commerce among the states is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution. What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which, in any degree, countenances the suggestion that one may, of right, carry or cause to be carried from one state to another that which will harm the public morals? We cannot think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from state to state except the one providing that no person shall be deprived of his liberty without due process of law. We have said that the liberty protected by the Constitution embraces the right to be free in the enjoyment of one's faculties; 'to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts that may be proper.' But surely it will not be said to be a part of any one's liberty, as recognized by the supreme law of the

land, that he shall be allowed to introduce into commerce among the states an element that will be confessedly injurious to the public morals."*

The law prohibiting the manufacture and sale of intoxicating liquors and the enforcement thereof makes for a great social reform. A reform double in its aspects in this, that it touches both moral and economic questions. The liquor question is one of the great problems the world of to-day must meet and solve. Experiences of our own country and of countries at war, particularly the latter, are forcing the question to the front and every land is feeling the pressure of the question, which, no longer being local, has largely passed from the districts and the counties. It knocks not only at the door of states, as units, but also at the door of nations does it make its pressure felt as it presents itself for an answer!

As other great reform laws have struggled, grown and finally triumphed, so will prohibitory laws have their struggles and their growth and their triumph.

Champion vs. Ames, 188 U. S. 321.

CHAPTER IV.

Legislation

"MORALS cannot be legislated **into** people" is the favorite proposition of those opposed to prohibition laws. The proposition is not conceded. For the present, however, it is sufficient to say, intoxicating liquors can be legislated **out** of people by entirely prohibiting the possession of intoxicating liquors for beverage purposes.

Sir Charles Cheeks Wakefield, Lord Mayor of London, England, is quoted as saying, in effect, that the recent anti-liquor legislation of England **has made people sober and that teetotalism can be legislated into people.**

Upon the well recognized evil of individual consumption of liquor as a beverage rests the right of the state, under its reserve police power, to enact legislation prohibiting the manufacture and sale of intoxicating liquors. And in trying to comprehend the legislative purpose in prohibition statutes it is important to remember that the ultimate end sought in such legislation is not the prevention or restriction of the mere sale of intoxicants, but

the prevention of their consumption as beverages. The sale being the most usual and obvious means by which drinking is accomplished, legislation is more often directed against such sales. The evil of individual consumption of intoxicating liquors as beverages has been fully recognized and expressed by the courts, state and Federal, including the Supreme Court of the United States.

Inebriety is a disease, and a predisposition to the use of intoxicating liquors may be inherited. The man addicted to strong drink may become the slave to strong drink; and, unless he arouses himself and strikes for freedom before it is too late, he may die the slave of the master Drink. It is not contended that law will take away predisposition, nor that it will take away acquired thirst, nor that it will automatically change the habits of men. The law, however, may be the buffer between the man of inherited predisposition and his weakness: The law may be the bulwark between the man and his habit. And the law may enable the slave to escape before the master has bound him hand and foot. And above all, the law will save, or tend to save, the youths from the drink habit and from becoming victims of this monstrous evil.

There is a class of respectable citizens

who do not comprehend, or will not comprehend, the ultimate end of legislative purposes in prohibition statutes. Persons of this class approve prosecution of bootleggers and divekeepers, and do not patronize them, but yet the persons of this class are more responsible for the bootlegger and the divekeeper than persons of any other class. Here is an anomaly that should be analyzed. This class insists that it should be exempt from the ultimate end of the law, but that the weak, the inebriate, the drunkard, the vicious and the impecunious, as well as the community, should be protected against the evils and suffering arising from intoxicating beverages. Therefore this class insists that it must not be denied intoxicating liquors as beverages nor an easy and convenient way to procure the same. The influence of this class is reflected partly in the compromise of legislation. Now the weak, the inebriate, the drunkard, the vicious and the impecunious do not and cannot see the distinction sought to be made by the class referred to, for, to their minds, if any one class in the community has the right to procure intoxicating liquors for beverage purposes, then all classes of persons should have the same right.

How do the bootlegger and the divekeeper procure intoxicating liquors in a "dry"

state? In the same way provided by law for the respectable class mentioned to obtain intoxicants. **For what purpose do the bootlegger and the dive-keeper claim they have and possess intoxicating liquors? For the same purpose claimed by the class referred to.** The so-called respectable class is the screen behind which hide the bootlegger and the dive-keeper! This class is the **excuse** of the inebriate and the drunkard, and the **cause** of the bootlegger and the divekeeper. Without this class, the bootlegger and the divekeeper could not and would not exist; for no statute would be enacted giving the bootlegger and the divekeeper a single defense—yet the defense of the bootlegger and the dive-keeper is the **claim** of this class of respectable citizens.

There is in our day a disposition on the part of some to set up a double standard respecting the enactment and enforcement of laws. In other words, this tendency manifests itself in a desire to have and observe such laws as suits one's personal notions and interests, and to disregard and violate such laws as do not suit one's personal notions and interests. Such disposition on the part of citizens of standing and influence brings, or tends to bring, all laws into contempt. Violation of laws by the professional criminal does not

bring the law into contempt. **Laws have never been destroyed by the professional criminal!** There is a growing class in this country that has no respect for laws which protect home, family and property. The conduct of the respectable citizen, even his passive conduct, that brings any one law into contempt, encourages the lawless class to bring all laws into contempt.

Again: Keeping in mind that a "dry" state must build anew from the "wreckage" left the state by the saloon, it is necessary that adequate provision be made to remove officials who will not enforce the law. In the very nature of things there will be officers of the law, parts of the "wreckage," who are not in sympathy with enforcement. On the contrary, they are opposed to enforcement. Sometimes such officers are creatures of the professional grafting politician, the politician who profits by non-enforcement. The decent, law-abiding citizenship is more or less helpless, unless provision of law is made for the speedy removal of such objectionable officers. Besides, an adequate provision for removal in the hands of the law-respecting citizenship has a wholesome effect on the indifferent, if not worse, officers of the law.

Legislation can be perfected only by amendments made from time to time—amendments based on experience. Human foresight does not grasp all requirements necessary to prevent abuse and possibly the defeat of the public policy desired.

Legislators may even hesitate to enact necessary and effective laws for fear of **constitutional questions involved.** And frequently "constitutional questions" may be urged by some legislators as excuses for their conduct rather than as their honest convictions. Therefore, step by step only can legislation be enlarged and made duly effective as the courts slowly clear away constitutional doubt and legislators make effective the will of the people.

The following language of the Supreme Court of the United States, in a recent opinion, is apropos to the general subject of this chapter:

> "Against that conservatism of mind which puts to question every new act of regulating legislation, and regards the legislation invalid or dangerous until it has become familiar, government—state and national—has pressed on in the general welfare; and our reports are full of cases where in instance after instance the exercise of regulation was resisted and yet

sustained against attacks asserted to be justified by the Constitution of the United States. The dread of the moment having passed, no one is now heard to say that rights were restrained or their constitutional guaranties impaired."*

*Insurance Co. v. Lewis, 233 U. S. 389-409.

CHAPTER V.

Education

"JUST so long as the people of a 'dry' state take an interest in the prohibitory law of the 'dry' state and its enforcement, such law can be enforced." In substance, these were the words of a high official of The Model License League to an executive official of a "dry" state. The official of the Model License League further observed that frequently the people of the "dry" state, after the enactment of a prohibitory law, cease to take a personal, active interest in the enforcement of the prohibitory law—that they turn their attention to other things, and that sooner or later the liquor forces come back into power, adding: "'A new broom sweeps clean'—but the new broom wears out—becomes an old broom."

There is a truth in the observations of the official of the Model License League—a truth that must not be ignored. Much of the failure to enforce prohibitory laws lies in the very psychology of the observations referred to. Until the nation is a "dry" nation, no state can suc-

cessfully enforce a state prohibitory law without recognition of this psychological truth.

There must be education—education in the sense in which the term is used in this chapter. There are two steps in every effort to make a state "dry." First, the agitation (which, of course, embraces education in its usual sense) that leads to the enactment of the prohibitory law: Second, the enforcement of such law. Many seem to think, when the first step has been accomplished that the battle is over. What a mistake! When the first step is accomplished the battle is just well begun. Remember the Wreckage left to society by the outlawed saloon; remember that class of politicians—not the statesmen—which the outlawed saloon created, and left to the state; remember that class of citizens, the screen of the bootlegger and the divekeeper!

So many good, well-meaning people—people who really believe in and desire enforcement of prohibitory laws—when appeals are made to them for support of such laws and their enforcement, exclaim: "Isn't that question settled—why any further discussion of the question or further effort in respect to the question?" So many of the politicians—not statesmen—exclaim, "Isn't the question settled?"—"Why any party action or party ex-

pression on the subject?"—"Why in any way **embarrass** the party by any affirmative position on the subject?"

Let the question be looked at from a sensible, practical viewpoint. The "dry" state may be, probably is, surrounded by "wet" states—at least the "dry" state has "wet" neighbors. In the "wet" states a business is legalized which is outlawed in the "dry" state. Millions of dollars may be invested in the business in the "wet" states. The business, with such capital, being legalized in the "wet" states, not only desires to hold its own where it is legalized, but to expand. It not only desires but intends to do business in the "dry" state if possible to do so in that state. Then again, there is profit in the business wherever it can be conducted, and therefore there is **gain** to the business if it can be carried on in the "dry" state.

Moreover, the business does not propose that a "dry" state shall succeed as such if success can be prevented—for the reason that successful enforcement in a "dry" state tends to further agitation and eventually the making of the "wet" state into a "dry" state. Therefore, from the viewpoint of the business, the law of self-preservation is present.

Then there are the slaves of the master Drink in the "dry" state, as well as the sympa-

thizers with the business, although the sympathizers may not be slaves to the master Drink —yet both classes will make more difficult the enforcement of the law in the "dry" territory. So the saloon seeks to operate for the profit to itself, and the slaves feel the drawing chains of the master Drink!

Analyze it any way you will, there are two main propositions to the whole matter—the commercial factor as to the man who sells—who wants money for his liquors to satisfy his craving for money—and the man who buys—the man who wants liquors for his money to satisfy his craving for liquor.

There are many politicians, as contradistinguished from statesmen, who are honest and patriotic. There is, however, a class of politicians neither honest nor patriotic. This class really cares nothing for party principles nor ideals of government. The members of this class are pirates on the political seas, sailing first under one and then under another flag of respectable political organizations, affiliating with the party that for the moment suits the particular purposes of the class. The saloon, wherever it exists, as a rule has many of these pirates for its own use, and the driving of the saloon from the state does not immediately rid the state of such pirates. The politi-

cians of this class may be holders of public office. Usually they are not, but prefer to "control" such officeholders as the saloon needs; or they prefer to "control" such party machinery as the saloon needs; or they prefer to "deliver" such votes as the saloon needs. There is a price, of course, from the saloon to such politicians.

As hereinbefore stated, the driving out of the saloon does not immediately rid the state of this class of politicians. The brazen effrontery of the saloon through such politicians to control parties and dominate legislatures and municipalities has been one of the elements leading to the outlawry of the saloon by the outraged people of a state or a community. This class of politicians, however, is left to a state when the saloon has been driven out of it. Is such a class immediately regenerated? No! Their willingness to serve the outlawed saloon, legalized elsewhere, is so pronounced that in some cases they are unwilling to earn an honest living by an honest day's work. This class desires the return of the former days, and is active, so far as it is expedient to be active, to bring about the return of former conditions. Therefore, efforts are made to weaken the laws, if the laws are strong. Perhaps such efforts to obstruct law enforcement are not made

openly at first, but are carried on by insidious processes, by ingenious modifications and amendments to the law. Efforts are made to select candidates for the legislature who will weaken the law, or at best, not strengthen the law in the weak places. Efforts are also made to bring about the nomination and election of indifferent, if not subservient, candidates for public prosecutors and municipal mayors, etc.

Subtle influences are set to work to develop adverse sentiment. To illustrate: If the laws are not vigorously enforced, then there is an effort to develop sentiment that the law is impossible of enforcement, and that conditions are worse under the "dry" law than with the saloon. On the other hand, if the laws are vigorously and successfully enforced ,then the effort is made to develop sentiment that enforcement is too drastic and unreasonable. Other elements could be mentioned, if the limits of this discussion permitted. It is hoped, however, enough has been said to suggest the idea of this chapter.

To meet the active forces of the outside business as well as internal factors, the forces of law enforcement must be ever active—positively active. The work of education must go on with the measures of enforcement mentioned in the succeeding chapter.

Let this be remembered: Ordinarily when a state, either by organic or statutory provision, declares its public policy as to any moral, economic or political question, such policy is accepted, respected and observed. Such is not true, however, respecting the state's prohibitory provisions, in regard to intoxicating liquors.

When a state declares her policy upon the subject of intoxicating liquors, there is, as a rule, an organized and well-defined opposition thereto with a determination to break down that public policy. Therefore, if the citizens who are favorable to prohibition are not alert and active to meet this organized and financed opposition, enforcement of such policy is very much embarrassed, if not ultimately defeated. On the other hand, the citizenship of a state standing for its public policy, and fearlessly asserting its rights and desires, can be and is supreme. It should never be said that the forces of righteousness and moral uplift in this land can be over-run by the forces that tend to destroy men and break down high ideals of the people.

Illustrative of the effect of education, in regard to the use of intoxicating liquors, is the experience of the state of West Virginia. The legislature in 1887 submitted to the people of

the state a vote upon state-wide prohibition. In 1888, at the general election, the people rejected the proposition, only three counties in the state voting in favor of ratification. In 1911 the legislature submitted the same question to the people of the state. At the general election in 1912 the proposed amendment was ratified, only three counties in the state voting against the proposition—a complete change in sentiment.

There is this coincidence: The same legislature which submitted the question to the people of the state in 1887 enacted a law reading as follows: "That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several subjects of physiology and hygiene, shall be included in the branches of study taught in the common and public schools, and shall be taught as thoroughly and in the same manner as other like required branches are in said schools, to all pupils in said schools throughout the state."

The effect of this legislation—the education of the youth respecting the effects of alcoholic liquors—was seen in the election of 1912. The credit for the aforesaid provision of law belongs to the women of West Virginia. Through the efforts of their organization, the

Woman's Christian Temperance Union, such legislation was enacted.

Upon the church and upon such organizations as the Woman's Christian Temperance Union, the Anti-Saloon League, and kindred organizations, rests much of the work of education.

CHAPTER VI.

Law Enforcement

ENFORCEMENT of a prohibitory law admits of no compromise. To compromise merely means to drive out one devil and presently find that seven have taken his place. The preceding sentence is not intended for application in a personal sense, but is a statement of a psychological truth.

The best way to vindicate and establish a new law, if the law is for the best interest of society, is to enforce such law. The most certain way to repeal a bad law is to enforce such law. For, most certainly if the law is good for the people of a state, it will not be repealed —if enforced. On the other hand, if the law is not good for the people of a state, but bad, it most certainly will be repealed if enforced.

True, there are persons who express the fear that strict enforcement of a prohibitory law may lead to repeal of the law. Those, however, who believe in such law should be willing to put the law to the supreme test. Besides, such a law should be enforced, not merely because it is a prohibitory law, but because it is part of the law.

A prohibitory law, like all other laws, should be enforced according to the spirit, rather than the letter of the law: Always keeping in view the ultimate aim of the law—**the prevention of the consumption of intoxicating liquors as beverages.** On this question of the ultimate end of the law there can be no compromise.

The seller of liquors will give no recognition to this aim of the law. When he does give such recognition, the end of his business is in sight. Many men who have acquired the liquor habit recognize the ultimate aim of the law and welcome the law and its enforcement as a barrier between them and their habit. Such men will not be consumers if the law can be made a bulwark against their own weakness. Experience in West Virginia, under constitutional and statutory prohibition, has demonstrated this statement beyond any question. Therefore the first object in enforcement, recognizing the ultimate end of the law, was to make effective the provisions of the law against the easy possession of intoxicating liquors, and the prevention of advertisements suggesting their use. In the state above mentioned, the courts so far have sustained the contentions of the state against deliveries of liquors as freight or express, and the advertisements

in the state by non-resident liquor dealers.

Many men who, at first, protested against such theory and method of enforcement, have since expressed their gratitude; by reason of such enforcement they have "come to themselves." They have learned from experience that they **can** do without intoxicating liquors, although at first they believed they **could not**: And they have found within themselves a growing freedom from their own habit, resulting in greater efficiency in their work and increased savings of their means.

The enforcement of the prohibitory law sets at work certain natural laws within the individual and within society itself. For illustrations, the following experiences are mentioned of two men whose names can be given—men of entirely different stations in life—yet the working of the law has been to the same end.

The first: He was of mature years; of high professional and social standing; he lived in a community largely given to the use of intoxicating liquors and a community largely opposed to constitutional prohibition. For years intoxicating liquors had been part of his mid-day and evening meals. Probably he never was intoxicated, but the use of intoxicating liquors was his daily habit. He was op-

posed to constitutional prohibition, and believed it impractical, unenforceable and that it would deprive him of his personal liberty and his natural rights. He earnestly endeavored to modify the laws proposed to make effective the constitutional provision. When the state became "dry" he would go to a neighboring "wet" state, buy intoxicating liquors and carry them to his home. After a while he began to reason with himself in this wise: "Those who do not know me and who see me carrying intoxicating liquors into my state do not draw any distinction between me and persons who carry liquors into my state for unlawful purposes—in the eyes of the stranger I am in the same river, if not the same boat, as the bootlegger and the divekeeper. I am finding that I can do without intoxicating liquors. I do not say that I will quit the use thereof, but I do find that the desire for liquors is decreasing."

Later on he reasoned with himself in this wise: "My profession requires me to test my strength and skill and knowledge against that of others of the same profession. There are those of my profession who are not using intoxicating liquors. I know enough of the effects of intoxicating liquors to realize that a certain quantity consumed at intervals de-

stroys my efficiency. Do not the amounts that I consume tend to destroy my efficiency, although I may be unaware of the loss of efficiency? One of my professional brethren, in particular, who is rapidly gaining standing in my profession, is a total abstainer. **He** is not impairing his efficiency as I may be impairing mine. I shall not further destroy my efficiency. I will quit the use of intoxicating liquors."

Yet, two years before, no man in the state was more sincerely pronounced in his opposition to prohibition than he. At that time he could not have been convinced that he could change his mind or would reach the conclusion that he has now reached. The change that came to him was the result of the working of natural laws—natural laws set in motion by reason of the difficulties he experienced in procuring intoxicating liquors—and thus "he came to himself."

The second: He was a down-and-out—the town drunkard. His clothes and physical appearance were in keeping with the man who had spent his all for drink—a man of abandon—a man dead and yet alive in a living world! His wife—ill and weary, by drudgery earned the scanty means for their meager maintenance, and paid the rent for their humble home.

The very same society that trafficked the man's soul for revenue, the very same society that

" * * * did not know why
And did not understand—"

pitied them—yet, to that same society they were **parts of an unfortunate class.**

Two years have passed. The man is now working at the carpenter's bench—for he is a skilled carpenter. He "came to himself." For the wife, the smile has returned to her face and the music to her soul! Sunshine fills the little cottage that they have good reasons to believe some day shall be their own—HOME.

The foregoing illustrations are not overdrawn. On the contrary, extreme caution has been used. The experiences of the persons referred to are far larger than stated in the narrative. And in all candor, these two instances are only illustrations of scores of others of like general experience.

Then there are the bootlegger and the divekeeper. They must be prosecuted in the courts. The general public lays more emphasis on the prosecution of the bootlegger and divekeeper than on other phases of enforcement. It is natural that the general public should and does lay such emphasis—and it also is well that the general public does so. Such public prose-

cution is the visible, tangible evidence of enforcement.

There must be no compromise in the prosecution of bootleggers and divekeepers. Yet it must be kept in mind that such prosecutions are not the "all in all" work to be done. The **larger** work is to close the way by which the bootlegger and the divekeeper obtain their supplies.

The more difficulty the bootlegger and the divekeeper experience in obtaining their supplies, the fewer the offenses committed by them. No provision is made by law for the bootlegger to obtain **his** supplies: The bootlegger does not endeavor to secure legislation favorable to himself and favorable to his business. The bootlegger depends upon that respectable class of citizens that endeavors to secure an easy method of obtaining intoxicating liquors for beverage purposes, to secure for himself the favorable legislation needed by the bootlegger in his unlawful business.

The man who insists that laws must be enforced by enforcing officers, and that the laws must be respected by the lawless element, has a greater part in enforcement of law by the officer, and respect for the law by the lawless, than he may at first realize. This statement does not apply simply to prohibition laws—the

statement applies to all laws. For, the man greedy for gain who, by so-called refined methods, robs others, need not wonder that the thief, in the usual way of a thief, steals from him.

Again, this illustration. A refined drawing-room: A small number of good women, high in the social life of the community. They are discussing common acquaintances—a widow and her only son. The son has been a heavy drinker for many years. He adds this unfortunate habit to the sorrows of his widowed mother. These good women condemn the bootlegger who furnishes liquor to the son. They censure the officers of the law because the officers have not been able to prevent the bootlegger from furnishing liquors to the son.

If one were to charge these good women with being largely responsible for the existence of the bootlegger and the drinking son, they would, in great surprise, indignantly deny the charge. And yet, they are largely responsible for the existence of the bootlegger and the drinking son. Do not these good women and their husbands serve intoxicating liquors in their homes? Do they not regard any law as too drastic that interferes with their desire and convenient way of procuring intoxicating liquors for beverage

purposes in their homes? And does not the bootlegger obtain his supplies in the same way in which they procure theirs? Is there any distinction in the mind of the drinking son between the right of these good women and their husbands to drink, and his right to drink intoxicating liquors? If one has the right, he reasons, has not the other also?

In a limited way, in this and other chapters it has been and will be attempted to suggest some of the different conditions and elements met and that must be met in the enforcement of a prohibition law. Until the Wreckage has been cleared away and new conditions developed, it is absolutely necessary that the state maintain a department to enforce its prohibitory laws. As already pointed out there is a highly capitalized, organized and legalized business in other states seeking and determined to do business in the "dry" state, notwithstanding that the business is illegal in the "dry" state. The saloons, driven from the "dry" state, have left their Wreckage in that state. The work of enforcement does not lie alone in the prosecution of the bootlegger and the divekeeper—such prosecution is one of the incidentals. Necessary legislation must be had; and when effective legislation is had,

such legislation is certain to be attacked, and must therefore be defended in the courts.

Public sentiment must be maintained and strengthened. The work of education must be pressed at all times. The liquor interests are ever active to educate the public mind to believe that prohibition is impracticable and that conditions under prohibition are worse than conditions under high license and regulation. To meet hostile forces, to press prosecutions, to assemble and publish statistics, to awaken and maintain public sentiment, to shape and defend legislation, to educate the public mind that prohibition is not impracticable and that prohibition has its benefits for society, is a work of such magnitude that it may well engage the whole time and energies of a special department for the enforcement of a prohibition law.

CHAPTER VII.

Majesty of the Law

THE growth and development of law, with its accompanying struggles and pains, as recited in a preceding chapter, ought to make it something to be respected in a degree not much short of reverence. Especially should this be true in this land of ours which is one of constitutions and laws formulated by a majority of the people through their representatives.

In the abstract a law is not something which a certain number of men in a legislative body say shall be a rule by which society is to be governed, but it is the embodiment or crystallization after a time of what certain units of society have been thinking about through a course of years until a majority of such units decided that such shall be the rule or law by which society is to be regulated in a given particular. Therefore, all persons in a country such as this, where majority rule is to prevail, ought to respect every law by which the country is governed. Every one's citizenship should be such that he regards law as supreme. The majesty of law should be taught in our homes and in our public schools. It should be

emphasized in the field, on the street, on the platform, in the public forum, at the bar, in legislative halls, from the bench, and in the pulpit. Let us hope that our people will become so to respect the majesty of the law that very few will dare to profane it with violation or with encouragement or sympathy for those who do violate it.

As indicated in another chapter, there is a certain tendency to disregard law. There are those who seem to think that because they are not in favor of a law, they themselves are sovereign and that the law should not be applied to them. Such persons ought to realize that though they are in the minority and not in favor of a law, yet they ought to obey that law, for they themselves may be and are protected by a law to which others perhaps, being in the minority, are opposed and which these others may disregard. Thus one person by disregarding a certain law weakens the protection which another law gives him. This disregard of different persons for different laws brings or tends to bring all law into contempt. This contempt for law is often seen to flash out in resistance to official authority, in the destruction of property, and in a wanton disregard of the rights of others, even including the right of human life!

The law in silent dignity offers protection to all and he who dares to violate its majesty ought to hang his head in shame. We cannot seriously claim its protection if we do not respect this majesty. It is not the armed watchman that protects our property; it is not the strong barricade that protects our cattle on our many hills—**it is the majesty of the law!** It is not the bolted window that protects us at night while we lie wrapped in sleep—**it is the majesty of the law!** It is not the uniformed officer by our side that shields our purse from the robber and our person from the vicious—**it is the majesty of the law!** Before we have an independent being and while our lives are wrapped with that of another, **the law shields us and defends us!** When we come helpless into the world and unable to defend ourselves, **the law shields us and defends us!** When in the full strength and vigor of manhood and womanhood we properly pursue our way among our fellow beings and gather together this world's goods, **it is the law that shields us and defends us!** When we are decrepit and the hand is palsied with age, **the law shields us and defends us!** And when we have fallen asleep and been gathered to our fathers, in the solemn watches of the night, **the law, the vigil keeps and shields and defends our last resting place!**

CHAPTER VIII.

Municipalities

"The peril of the republic will be the misgovernment of its great cities."—Carlyle.

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The saloon will make its last stand for its last fight in the last stronghold of the saloon—the city.

HISTORY teaches that the decline of the world's great nations began when the urban population became equal to the rural population. The urban population of the United States is now about equal to the rural. Shall this nation of ours decline and perish from the face of the earth? The statement of the historical fact and the submission of the foregoing question are not prompted by pessimism: On the contrary they are prompted by the hope that the people of this nation will profit from the experiences of other nations, and protect themselves against the forces which destroyed other peoples. Nevertheless, with the congestion of population in municipalities come not only the congestion of crime, but also the conditions to encourage and develop crime in the "geomet-

rical progression." And with such congestion come the conditions which destroy, or tend to destroy, society's power of resistance to evil influences.

Dr. Richard T. Ely, in his book, "The Coming City," states that the percentage of urban population in the United States in 1790, considering only places containing 8,000 or more inhabitants, was 3.35 per cent. The Federal census of 1910 shows that the population of the United States (exclusive of possessions) was 91,972,266, whereof 42,623,383, or 46.3 per cent. of the whole population, was urban, as the census reports define urban. The increase in the urban population during the preceding decade was 5.8 per cent., so it can well be said that the urban population now equals, if it does not exceed, the rural population.

Some of the more populous states are beyond--some far beyond--the equal division line. For illustration, the following states in 1910 had urban population, as follows: Ohio, 55.9; Pennsylvania, 60.4; Illinois, 61.7; New Jersey, 75.2; New York, 78.8; Connecticut, 89.7; Massachusetts, 92.8, and Rhode Island, 96.7.

Dr. Ely, in his book above mentioned, has said:

> "The twentieth-century city is destined to embrace more than half of our

population, and this makes its government of vital significance to every man, woman and child in the United States, and indeed, in the entire civilized world. The frontiersman in the far West, the woodsman in the pine forests of Michigan and Wisconsin, the miner delving in the bowels of the earth in Pennsylvania, Colorado, and faraway Alaska, all are feeling, and will feel still more forcefully, the influences proceeding from the character of our great cities as truly as the dweller in London, Paris, Berlin, or New York.

"The problem of the city is the problem of a revolution—a revolution brought about by industrial evolution, if you please. Strangely enough, too, it involves in some particulars a return to the conditions of classical antiquity. When we speak of the nation as a whole, we use words which are rural in their primary significance. We say this **country,** this **land** of ours, whereas, the Athenians said, this **city** of ours—their state being essentially a city-state, with rural districts, land added as a subordinate part of the state, ruled from the city as a centre. We know the story of Cincinnatus, called from the plough to the conduct of govern-

ment. It has been a favorite tale with us, because it has been typical of American life in the past. Rural votes have controlled our destinies, and men from the country have given shape to our national life. But we are entering a period in which men from the city are certain to have an increasing influence in the councils of the nation, and are very likely to become dominant. * * * It is not possible to foretell what changes will come to our country as a result of the increasing influence of the city-man, but they are bound to be momentous."

Some of the conditions arising from urban congestion, respecting crime, maintenance of peace and good order, detention of criminals, care of unfortunates and the poor, may be illustrated as follows:

The nine cities of the United States having a population of 500,000 and over, expend annually an aggregate sum of $36,759,000 for police departments; $3,751,000 for the poor in institutions; $5,076,000 for the care of poor children; $1,169,000 for insane hospitals; $3,457,000 for corrective institutions for adults; $903,000 for corrective institutions for minors, and $1,483,000 for out-door relief of the poor, a total annual expenditure for such purposes

of $52,598,000. This sum is substantially the same amount expended annually by the states of Kentucky, Maryland, Massachusetts, Ohio and Virginia to maintain their state governments and state institutions.

The total expenditures of the Federal government in the year 1813 was $39,190,000, for the year 1814, $38,028,230, and for the year 1815, $39,582,000. Such expenditures of the Federal government included the salaries of the president and other executives, for the Congress, the Federal judiciary, foreign service, military service, including fortifications, arsenals, armories, ordnance, internal improvements, etc., the navy, pensions, Indian Department, and interest on the public debt. And it will be remembered these were the expenditures of the Federal government during the three years of the last war with England. And it will be observed that such annual expenditures were less than the present annual expenditures of the nine cities referred to for the maintenance of police department and the taking care of the insane and the poor. Moreover, the expenditures for the year 1813 were $17,000,000 more than any previous annual expenditure of the Federal government.

The total annual revenue derived from the

liquor traffic by the nine cities referred to is $20,117,974. Yet the breeding place of crime is the saloon! The greatest single cause of insanity is alcohol! the first source of poverty is drink and all that drink implies!

> "By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dram shop, where intoxicating liquors, in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. * * * It is not necessary, for the sake of justifying the state legislation now under consideration, to array the appalling statistics of misery, pauperism and crime which have their origin in the use or abuse of ardent spirits."*

The language just quoted is not the language of "the diseased mind of a narrow reformer"—**it is the language of the Supreme Court of the United States.**

The foregoing statistics and statements

*Crowley v. Christensen, 137 U. S. 86-90.
Mugler v. Kansas, 123 U. S. 623-658.

are given for the single purpose of suggesting to the reader some of the conditions which exist in, and some of the problems which confront the city of to-day. The enormous burdens carried by cities to protect society against the lawless and vicious, and to care for the unfortunates created by existing conditions, should cause one to consider seriously the present situation.

And it is not going far afield to call attention to the present municipal problems and conditions, for the problems and the conditions are here and must be met in the efforts to enforce law. The saloon has "dug itself in," and in many cities controls the police departments. In some cities the organization of the police system is splendid and the police do a great public service. In others the police system is not only incompetent and inefficient, but is the **protector of vice.** Open, notorious, commercialized gambling; open, notorious, segregated districts for the social evil, cannot exist in a city without protection. One of the dangers of the police system as it is now organized in many cities, lies in this—that the people of the city rest in security, believing that these guardians of law and order are enforcing the law of the city, while, in truth, they are **not** enforcing the law. Further statements along

this line will be made in the following chapter on "Invisible Government." **Of all of the forms of entrenched vice in a city, none has a stronger hold on the police system of the average city than the saloon.**

Not only does the liquor traffic have a strangle-hold upon the police system of the average city, but it sometimes has a strangle-hold upon legislative bodies of cities. Experience teaches that when a state becomes "dry," earnest efforts to enforce the "dry" laws in some cities are opposed by the police and city legislative bodies.

As an illustration of the strong hold that the liquor traffic has upon some city administrations, the following experience in one of the leading cities of a "dry" state is given.

Notwithstanding that the constitution and statute law of the state prohibited the sale, keeping and storing for sale of intoxicating liquors, the officials of the city evinced a spirit to break down such constitution and statutory provisions within the city. That the state might have the aid and co-operation of the city police force in law enforcement, the city council was requested to enact proper ordinance declaring unlawful the sale and keeping and storing for sale of intoxicating liquors within the city. In other words, making it a munici-

pal as well as a state offense to sell, keep or store for sale intoxicating liquors within the city.

The state being "dry," it would seem that the city council would not hesitate to respond to such request. However, the city council did not respond to such request. On the contrary, three times the council, by decisive votes, rejected the proposed ordinance. At the last session when the proposed ordinance was rejected, and after its rejection, the president of the council, from the chair, stated he had personal knowledge that some of the city departments were sending intoxicating liquors into the council chamber and that the same were being furnished to some members of the council to influence the votes of such members in favor of larger appropriations for such departments: And further stated that some members of the council were then too intoxicated to transact the public business of the city. And thereupon the council unanimously adopted a resolution providing that all members of council, too intoxicated to properly consider the public business, should either remain away from the council chamber or be ejected therefrom!

It is only fair to say, however, that the administration of the city had been elected when the city was "wet"; and it can be added

that a better day is now dawning for that city with the promise of a coming administration favorable to civic righteousness—an administration not dominated by the liquor element.

Should one despair of the American city? No. The day is coming when the saloon will be banished from the American city and the "great cause of misery, pauperism and crime" (in the language of the Supreme Court of the United States) will have passed.

There was a city of the plains in ancient days, exceedingly wicked. Divine wrath was about to fall upon the city. If only ten righteous men could be found within its borders the city would be spared. There is not an American city which has not at least ten righteous men—**and ten righteous men will ultimately save any city.**

CHAPTER IX.

Invisible Government

A PROMINENT educator, addressing the graduating class at a great university, said: "Young men, there are two great fields of usefulness for you in life. One is in politics, and the other is on the police force." He was directing the minds of the young men to two institutions of the present-day American life in which are evils needing the attention of good citizenship. He did not mean for the young men to go into politics, in the sense of the term as understood and practiced by the so-called "political bosses;" nor did he mean for them to go on the police force in the sense of actually walking the beat—although such occupation can be and should be an honorable occupation.

In a democratic form of government there is a duty to be discharged by the citizen, as well as a high privilege to be enjoyed by him. Political conditions have given rise to the phrase "invisible government." The invisible government arises partly because good citizenship does not exercise that active interest in and attention to public affairs that public affairs need from every good citiezn who has

at heart the interest of good government. The forces of vice and greed are ever active. It is true, upon sporadic occasions, good citizenship rallies and drives out the venal boss. Then good citizenship lapses into a state of rest—and the bosses return. **The bosses never rest.**

The proposition might be illustrated as follows: A city had become notorious as a "wide-open" town. City ordinances were flagrantly violated by the lawless and vicious elements. Notwithstanding the ordinances prohibited gambling and prostitution, yet open, notorious gambling went on and the open, commercialized, segregated district of prostitution boasted of its participation and influence in municipal affairs. The city had endured all these things for a long time. Public opinion was slowly shaping itself, and at last crystallized into active force, and in the municipal election the old administration was turned out and a "reform" mayor elected.

The new mayor was a man of good intentions, but neither experienced in public matters, nor acquainted with the ways of the "invisible government." Good citizenship believed the fight for a clean city was over, and left to the new mayor the matter of inaugurating new conditions. **The critical time for the city was not more on the day of election, than**

in the days following when the new mayor was organizing his administration. In such days of organization the bosses were busy. The venal bosses led the mayor to believe that **they** elected him. And they had their way.

The city charter provided that the mayor should have general oversight of the peace and good order of the city, with power to appoint the police force and remove the same at his pleasure. Did the mayor appoint the police force? **He appointed the police force, but he named few, if any, men on the force. The names of the appointees were furnished to the mayor by a list made up by the venal bosses. And those whose names appeared on the list were appointed to the force. And the names of those who appeared on the list as made up by the bosses represented the men who would do the will of the bosses!** Was the force loyal to the mayor? No. What obligation did any member of the force feel to the mayor? What had the mayor to do with the selection of any man on the force? The selection had been made by others, and to others they owed their fealty and their loyalty.

Vice deals with the bosses. The open, commercialized, segregated district, the open, commercialized gambling place, do not deal with the mayor. That is, not with money, nor

directly. Yet such violators are not prosecuted. **They are "protected."** The mayor does not receive any money from such violators, **but the bosses do, and in exchange for money received by the bosses from such violators, the bosses give protection!** The bosses —well, they prosper, as the world goes, at least for a time—**they are not answerable to the public for good government.** The mayor—well, the bosses took him upon an exceedingly high mountain. They showed him political kingdoms, with a promise that the kingdoms should be his. They educated the mayor to believe that he "might hurt the party," as well as himself politically, if he were "too drastic" in his efforts to enforce the city ordinances. And again, they impressed his mind with the notion that the good people of the city are "impractical in things political" and "cannot be depended upon anyway!" Is there any wonder at the growing demand that the people shall have within themselves the right of recall? The police—well, the police know the mayor is the appointing power in name only, and that the bosses are the real appointing power. The orders to the police come from the bosses. And some of the force may engage in petty grafting themselves—emulating the bosses.

Let these questions be asked: How can open, notorious, commercialized prostitution and segregated districts, and open, notorious, commercialized gambling, and other forms of commercialized evil, exist in open, direct, notorious violation of city ordinances unless the same have protection? And if protection, why and from whom the protection?

What is said here, happily does not apply to all American cities. But what is said here, respecting the "invisible government," whether the "invisible government" asserts itself in the same precise form as used in the illustration or not, does apply to many cities. Such conditions not only tend to create contempt for law, but do create contempt for all law, and tend to make difficult law enforcement.

Is there any relief from such municipal conditions? **Yes, relief is in a strong, healthy public opinion—and such opinion in concrete action.**

Hon. Elihu Root, in a speech delivered in the New York Constitutional Convention, August 30, 1915, referring to "invisible government," in part, said:

"Mr. Chairman, there never was a reform in administration in this world which did not have to make its way against the strong feeling of good, honest men, concerned in existing

methods of administration, and who saw nothing wrong. Never! It is no impeachment to a man's honesty, his integrity, that he thinks the methods that he is familiar with and in which he is engaged are all right. But you cannot make any improvement in this world without over-riding the satisfaction that men have in the things as they are, and of which they are a contented and successful part. * * *

"I am going to discuss a subject now that goes back to the beginning of the political life of the oldest man in this Convention, and one to which we cannot close our eyes, if we keep the obligations of our oath. We talk about the government of the Constitution. We have spent many days in discussing the powers of this and that and the other officer. What is the government of this State? What has it been during the forty years of my acquaintance with it? The government of the Constitution? Oh, no; not half the time, or half way. When I ask what do the people find wrong in our State government, my mind goes back to those periodic fits of public rage in which the people rouse up and tear down the political leader, first of one party and then of the other party. It goes on to the public feeling of resentment against the control of party organizations, of both parties and of all parties.

"Now, I treat this subject in my own mind not as a personal question to any man. I am talking about the system. From the days of Fenton, and Conkling, and Arthur and Cornell, and Platt, from the days of David B. Hill, down to the present time the government of the State has presented two different lines of activity, one of the constitutional and statutory officers of the State, and the other of the party leaders—they call them party bosses. They call the system—I don't coin the phrase, I adopt it because it carries its own meaning—the system they call "invisible government." For I don't remember how many years, Mr. Conkling was the supreme ruler in this State; the Governor did not count, the legislatures did not count; comptrollers and secretaries of state and what not, did not count. It was what Mr. Conkling said, and in a great outburst of public rage he was pulled down.

"Then Mr. Platt ruled the State; for nigh upon twenty years he ruled it. It was not the Governor; it was not the Legislature; it was not any elected officers; it was Mr. Platt. And the capitol was not here; it was at 49 Broadway; Mr. Platt and his lieutenants. It makes no difference what name you give, whether you call it Fenton or Conkling or Cornell or Arthur or Platt, or by the names of men now living.

The ruler of the State during the greater part of the forty years of my acquaintance with the State government has not been any man authorized by the Constitution or by the law, and, sir, there is throughout the length and breadth of this State a deep and sullen and long-continued resentment at being governed thus by men not of the people's choosing. The party leader is elected by no one, accountable to no one, bound by no oath of office, removable by no one. Ah! My friends here have talked about this bill's creating an autocracy. The word points with admirable facility the very opposite reason for the bill. It is to destroy autocracy and restore power so far as may be to the men elected by the people, accountable to the people, removable by the people. I don't criticize the men of the invisible government. How can I? I have known them all, and among them have been some of my dearest friends. I can never forget the deep sense of indignation that I felt in the abuse that was heaped upon Chester A. Arthur, whom I honored and loved, when he was attacked because he held the position of political leader. But it is all wrong. It is all wrong that a government not authorized by the people should be continued superior to the government that is authorized by the people.

"How is it accomplished? How is it done? Mr. Chairman, it is done by the use of patronage, and the patronage that my friends on the other side of this question have been arguing and pleading for in this Convention is the power to continue that invisible government against that authorized by the people. Everywhere, sir, that these two systems of government co-exist, there is a conflict day by day, and year by year, between two principles of appointment to office, two radically opposed principles. The elected officer or the appointed officer, the lawful officer who is to be held responsible for the administration of his office, desires to get men into the different positions of his office who will do their work in a way that is creditable to him and his administration. Whether it be a president appointing a judge, or a governor appointing a superintendent of public works, whatever it may be, the officer wants to make a success, and he wants to get the man selected upon the ground of his ability to do the work.

"How is it about the boss? What does the boss have to do? He has to urge the appointment of a man whose appointment will consolidate his power and preserve the organization. The invisible government proceeds to build up and maintain its power by a reversal

of the fundamental principle of good government, which is that men should be selected to perform the duties of the office; and to substitute the idea that men should be appointed to office for the preservation and enhancement of power of the political leader. The one, the true one, looks upon appointment to office with a view to the service that can be given to the public. The other, the false one, looks upon appointment to office with a view to what can be gotten out of it. Gentlemen of the Convention, I appeal to your knowledge of facts. Every one of you knows that what I say about the use of patronage under the system of invisible government is true. Louis Marshall told us the other day about the appointment of wardens in the Adirondacks, hotel keepers and people living there, to render no service whatever. They were appointed not for the service that they were to render to the State; they were appointed for the service they were to render to promote the power of a political organization. Mr. Chairman, we all know that the halls of this capitol swarm with men during the session of the Legislature on pay day. A great number, seldom here, rendering no service, are put on the payrolls as a matter of patronage, not of service, but of party patronage. Both parties are alike; all parties are alike.

The system extends through all. Ah, Mr. Chairman, that system finds its opportunity in the division of powers, in a six-headed executive, in which, by the natural workings of human nature there shall be opposition and discord and the playing of one force against the other, and so, when we refuse to make one Governor elected by the people the real chief executive, we make inevitable the setting up of a chief executive not selected by the people, not acting for the people's interest, but for the selfish interest of the few who control the party, whichever party it may be. Think for a moment of what this patronage system means. How many of you are there who would be willing to do to your private client, or customer, or any private trust, or to a friend or neighbor, what you see being done to the State of New York every year of your lives in the taking of money out of her treasury, without service? We can, when we are in a private station, pass on without much attention to inveterate abuses. We can say to ourselves, I know it is wrong, I wish it could be set right; it cannot be set right, I will do nothing. But here, here, we face the duty, we cannot escape it, we are bound to do our work face to face in clear recognition of the truth, unpalatable, deplorable as it may be, and the truth is that what the unerring instinct of

the democracy of our State has seen in this government that a different standard of morality is applied to the conduct of affairs of State than that which is applied in private affairs. I have been told forty times since this Convention met that you cannot change it. We can try, can't we? I deny that we cannot change it. I repel that cynical assumption which is born of the lethargy that comes from poisoned air during all these years. I assert that this perversion of democracy, this robbing democracy of its virility, can be changed as truly as the system under which Walpole governed the commons of England, by bribery, as truly as the atmosphere which made the **credit mobilier** scandal possible in the Congress of the United States has been blown away by the force of public opinion. We cannot change it in a moment, but we can do our share. We can take this one step toward, not robbing the people of their part in government, but toward robbing an irresponsible autocracy of its indefensible and unjust and undemocratic control of government, and restoring it to the people to be exercised by the men of their choice and their control. * * *

"Mr. Chairman, there is a plain old house in the Oneida hills, overlooking the valley of the Mohawk, where truth and honor dwelt in

my youth. When I go back, as I am about to go, to spend my declining years, I mean to go with the feeling that I have not failed to speak and to act here in accordance with the lessons I learned there from the God of my fathers. God grant that this opportunity for service to our country and our State may not be neglected by any of the men for whom I feel so deep a friendship in this Convention."

CHAPTER X.

Revenue

"A PRACTICAL result of prohibition is now being experienced in West Virginia. There is a big deficit in the treasury of that state because of the abolition of the receipts accruing from the liquor licenses since the operation of the prohibition law. * * * There could not very well be a more practical illustration of the folly of prohibition than the foregoing." This quotation is from an article appearing in the National Liquor Dealers' Journal in March, 1915. Statements to the same effect appeared as paid advertisements in a large number of the great daily newspapers throughout the country.

It is believed that a short statement of the fiscal affairs of the state of West Virginia will be helpful. By virtue of law, the state tax commissioner of said state is ex-officio chief inspector and supervisor of public offices, and is required to examine, audit and report the fiscal condition and transactions of the several fiscal units of the state, including the several departments of the state government. The

legislative session of 1913 made appropriation for examination, audit and report of the several departments of the state government. The report of such examination and audit was submitted to the legislative session of 1915. The legislative session of 1915 further supplemented the then existing law by providing for an annual audit of the several state departments, and report of such audits, thereby forming the basis of the budget system for future appropriations.

In 1904 the direct levy for state purposes was 25 cents, and for school purposes, 10 cents, on each one hundred dollars, or a total of 35 cents on each one hundred dollars of assessed valuation. In the year 1904 steps were taken looking to the reduction, if not the final abolition, of the direct state tax. The fiscal year for the state begins on the first day of July and ends on the 30th day of June. The state board of public works fixes the direct state tax within the limits of the maximum levy provided by legislation. The board of public works for the fiscal year beginning July 1, 1912, fixed the state tax at 1 cent on each one hundred dollars of valuation. At the end of that fiscal year, viz., the 30th day of June, 1913, the state had a deficit in the General Fund of $480,000.

This deficit was caused on account of ex-

penditures by the state in preserving order and enforcing law during a very prolonged and bitter strike in the coal fields of the Great Kanawha Valley. For the fiscal year beginning July 1, 1913, and ending June 30, 1914, the board of public works fixed the levy at 6 cents on each one hundred dollars. In all candor, this levy should have been the maximum levy then provided by law, viz., 10 cents on each one hundred dollars. At the end, however, of the fiscal year, viz., June 30, 1914, there was a deficit in the General Fund of $346,000. During the two years referred to, the state was "wet," and received as large revenue from the liquor source as she had ever received. The state entered the prohibition period on the first day of July, 1914, with a deficit of $346,000 in her General Fund.

For the fiscal year beginning July 1, 1914, the board of public works laid the levy at 10 cents on each one hundred dollars—the maximum levy the board could then lay. The deficit at the end of the fiscal year, viz., June 30, 1915, (the close of the first dry year) was $760,000. For the fiscal year beginning July 1, 1915, the board of public works laid the levy at 14 cents on each one hundred dollars. The deficit at the end of the fiscal year, viz., June 30, 1916, was $250,000. For the fiscal year beginning

July 1, 1916, the board of public works laid the levy at 9 cents on each one hundred dollars. At the end of the current fiscal year, viz., June 30, 1917, the state's general revenue will have a surplus of $50,000 to $75,000. Inasmuch as the levy is decreasing and the statement made that there will be a surplus at the end of the current fiscal year, the following explanatory statement is now made.

The legislative session of 1915, and the second extraordinary session of 1915, made appropriations for the fiscal years ending June 30, 1916, and June 30, 1917, respectively. Provisions were also made at said extraordinary session for additional revenue. By virtue of the system prescribed under the act of 1915 and the auditing and examining of the fiscal affairs of the state, it can be determined approximately what the fiscal condition of the state will be at the end of the current year. The additional revenue provided consisted of an increase of the franchise or license tax upon corporations, and a special excise tax of one-half of one per cent upon the net income arising from business transacted in the state by corporations engaged in business in West Virginia, together with the provisions for the direct tax.

Further, by virtue of the budget system

and the auditing and examination provided for by law, it can be definitely stated that the direct state levy for the fiscal year beginning July 1, 1917, will not exceed 5 or 6 cents on the one hundred dollars. The direct taxes laid for the years mentioned provide for and include state appropriations to the public schools, although the equivalent to 3½ cents of such annual taxes did and does go to support of local public schools.

It will be observed that during the last two "wet" years, the state had large deficits. It will be observed that at the end of the second "dry" year, the deficit was less than the deficit at the end of the last "wet" year. And it will be observed that at the end of the third "dry" year the state will have a surplus rather than a deficit.

With the candid statement of the facts as to West Virginia's fiscal affairs during the years referred to, the reader is left to form his own conclusions as to the effect of prohibition upon the revenues of the state.

The state need not suffer for necessary revenue. She has resources that will give her ample revenue for all her legitimate needs. The enactment of necessary revenue measures, as they may be required from time to time, will not impose any unfair or unnecessary or heavy

burden upon any person or upon any interest. The state is a great storehouse of natural wealth; she has great resources, and her possibilities are almost without limit.

It is not right, however, to consider the question merely from the monetary standpoint. Men and women, not money, are the real assets of the state. The happiness and general welfare of the citizens are the first obligations of the state. The generation growing up in the state, its future men and women, will grow into the full stature of manhood and womanhood without knowing the open saloon; they will have healthy bodies, clear minds and clean morals, and will be worth more to the state than all the material wealth. Such a generation will be an asset "more to be desired than gold, yea even more than fine gold."

Compare, if such a comparison should be made, the $650,000 of annual revenue from the liquor business to a generation of boys and girls, men and women that knows not the saloon. Compare the $650,000 of revenue which the state might receive from the liquor business, with the sum of $15,000,000 that formerly went out of the state annually to purchase and bring liquors into the state—consider why this $15,000,000 was formerly paid out—what good did such intoxicating liquors do when brought

into the state? What can be said for such liquors? They encouraged crime even to the extent of murder; they, more than any other single factor, are responsible for the 1008 men, most of them young, in the state penitentiary: They, more than any other factor, are responsible for 2455 inmates in the state hospitals today.

It can be demonstrated that revenue from the liquor traffic is not a remedy for the revenue ills of fiscal bodies. And inasmuch as the liquor interests have endeavored to show that West Virginia, with the relatively small deficits above given, is a horrid example of a fiscal body that undertakes to do without revenue from the liquor traffic, attention will be called, in a statistical way, to some other fiscal bodies that have depended on and are yet receiving revenue from the liquor traffic.

The two hundred and four American cities having a population of 30,000 and over, respectively, receive from the liquor traffic an annual aggregate revenue of $39,606,956. The same cities expend annually to maintain police departments, the aggregate sum of $64,892,291, and the same cities have a total indebtedness, funded and special assessment, of $3,064,332,214.

The gross indebtedness of the National

Government, August 31, 1916, was $1,220,230,-978.03; this gross indebtedness was subject to balance available to pay maturing obligations of $194,765,849.80, leaving the net indebtedness of the Federal Government $1,025,465,128.23. It therefore appears that the funded and special assessment indebtedness of the 204 cities is nearly three times the national debt.

The money circulation of the United States, September 1, 1916, including gold coin, gold certificates, silver dollars, silver certificates, subsidiary silver, treasury notes, United States notes, Federal Reserve notes, Federal Reserve bank notes, and National Bank notes, was $4,066,859,152.00, so that the funded and assessment indebtedness of the 204 cities is three-fourths of the entire amount of such circulation. The funded and special assessment indebtedness of the 204 cities is equivalent to a per capita indebtedness of $30.33 for the entire population of the United States!

The annual expenditures of the aforesaid 204 cities for the care of the poor, care of children, other charities, insane hospitals and institutions of correction for adults and minors, aggregate the sum of $27,086,351. Against $39,606,956 received from the liquor traffic in revenue stands $91,978,642 annually expended by the same cities for charities, hospitals, in-

stitutions of correction and maintenance of police.

Consider four cities. New York City has over 12,000 licensed saloons. The bonded indebtedness of the city of New York is $1,336,313,022, with annual interest charges thereon of $43,115,279. Of every $100 of city taxes, $8.25 thereof is spent for the police department, 68 cents for city prisons and correctional institutions, $2.70 for the courts, 50 cents for the prosecution of crime, $4.96 for city charities, making a total for these purposes of $17.09 out of every $100. And the tax rates in the city run from $1.78 to $2.13 on the $100 of valuation in the respective boroughs.

The city of Philadelphia has 1927 retail saloons, 345 wholesale establishments, 42 breweries and 7 distilleries. The city's income from the liquor traffic is $1,918,489. The net bonded indebtedness of the city, exclusive of sinking fund and other securities, is $98,401,050. For the year 1915 the city had a deficit of $2,221,000 —the current running expenses of the city being that much in excess of its regular income. The annual average deficit for the four years ending December 31, 1915, has been $1,410,648 —which deficits have made necessary the sale of bonds to provide required revenue.

The city of Cleveland has 1293 saloons,

and a bonded indebtedness of $43,000,000, and is compelled to borrow money to meet running expenses. The city of Cincinnati has 828 saloons, exclusive of wholesale liquor houses, breweries, and distilleries, and has a bonded indebtedness of $66,000,000, and a deficit of over $1,000,000, and has been compelled to borrow money to pay running expenses.

The financial condition of the cities named is largely typical (in a relative degree) of the average American city.

West Virginia as a "dry" state has fared better and is faring better, from the standpoint of revenue, than some of her "wet" neighbors. This can be illustrated by considering the financial condition of the states of Maryland and Kentucky.

The state of Maryland, as of October 1, 1915, had a gross bonded indebtedness of $22,785,880, with a sinking fund and mortgage investments aggregating $7,710,584, leaving the net indebtedness of the state $15,075,296. The state had a deficit of $1,446,555. To provide for such deficit as well as the running expenses of the state government, the General Assembly, by Act approved March 27, 1916, authorized a bond issue of $2,000,000, and the bonds issued and sold as August 1, 1916.

Kentucky, famous for its whisky, is not

without debt. The liquor interests of Kentucky claim to have property in that state with assessed value of several millions of dollars. The commonwealth of Kentucky has outstanding interest bearing state warrants aggregating the sum of $4,000,000.00.

West Virginia has no bonded indebtedness, nor has the state any outstanding state warrants. True, the Supreme Court of the United States in June, 1915, held the state to be liable for the sum of $4,000,000 principal, as the state's equitable part of the indebtedness of the Commonwealth of Virginia as of January 1, 1861, with $8,000,000 interest thereon, aggregating, in round numbers, $12,000,000. Whatever West Virginia must pay on account of such indebtedness of the old commonwealth of Virginia (such indebtedness arising before the creation of the state of West Virginia) may be regarded as the price of West Virginia's admission to the sisterhood of states; and in no way connected with prohibition.

CHAPTER XI.

Economic Side of the Question

THERE is a side to the question, independently of morals, that should appeal to the business man and the laboring man—the economic side of the question. The drink bill of the United States is about $2,250,000,000 annually. The loss in money paid for drink is not the **greatest loss** growing out of the drink habit. It is proposed to demonstrate from two years' experience some of the benefits of prohibition, looking at the question from an economic standpoint.

Savings accounts, in state banks alone (in West Virginia) increased $1,339,115.60 in the first two years of prohibition. Deposits in state and national banks increased $6,679,000 in the same period. The assessed value of property in the state has increased $43,253,981. Instead of a decrease in the number of men employed in the industries of the state there has been an increase of 26,669 during the period mentioned.

From the standpoint of the employer The man who is not addicted to the use of intoxicating liquors has greater efficiency than the

man who is addicted to the use of such liquors. The Pardee and Curtin Lumber Company is one of the largest lumber companies in the state. It pays into the State Compensation Fund, for the benefit of employees in case of death or injury, annually, the sum of $4,845.00. The general manager of the company made the statement that, in his opinion, the increased efficiency of the men working for his company is equivalent to the amount paid by the company to the Workmen's Compensation Fund. This is the general experience of other employers of labor throughout the state.

From the standpoint of the laboring man and his family, prohibition means increased earning power for the bread-winner and greater happiness for his family. The liquor interests assert that the laboring man cannot and will not do without intoxicating liquors. This is an insult to the laboring man. The intelligent laboring man is freer from the use of intoxicating liquors than any other particular class. The liquor people assert that the laboring man must have a stimulant at the end of his day's work. This is untrue. The best economic thought is that the laboring man should have shorter hours of labor and the opportunity to be with his family, and that he should have rest and recreation rather than an artificial excitant.

Science now teaches that alcoholic liquors, instead of being stimulants, are excitants, and that their use is followed by depression.

The following communications are submitted in support of the statements respecting employers and employees:

"STATE OF WEST VIRGINIA
DEPARTMENT OF MINES
CHARLESTON

October 22, 1914.

"Dear Sir:

Your letter of October 22nd at hand and contents noted, and in reply beg to advise you that I have been in every section of the state recently in connection with the mining industry, and in conversation with some of the largest operators have been advised that the efficiency of the employees has been raised at least 25 per cent since the prohibition law went into effect, and none of the operators have lost any of their former employees from the effect of the prohibition law.

In conversation with miners in the various sections I have also been advised that nearly all are very much pleased with the conditions, even some of those who formerly were bitterly opposed.

Yours very truly,
EARL A. HENRY,
Chief Department of Mines."

WHEN A STATE GOES DRY

"DISTRICT NO. 17
UNITED MINE WORKERS OF AMERICA
CHARLESTON, W. VA.

October 29, 1915.

"My dear Sir:

The effects of prohibition among the miners in West Virginia has given splendid results. It has increased their efficiency very largely and has a splendid moral effect in the mining communities.

There is still some illegal selling among the miners, but if the adjoining states of Ohio and Kentucky were dry this would be entirely done away with.

So far as the miners in this state are concerned, if another vote was taken on prohibition, the majority for the drys would be very much larger than when the last vote was taken.

Very truly,
THOS. CAIRNES,
President Dist. No. 17, U. M. W. of A.
J. M. CRAGO
Secretary Dist. No. 17, U. M. W. of A."

"GLENRAY LUMBER COMPANY
GLENRAY, W. VA.

12-28-15.

"Dear Sir:

As we do not have the pleasure of knowing you personally, we write you to express our appreciation of the state prohibition law.

The writer will try to briefly outline the effects of prohibition here as we have observed it among our employees.

Let me state that at the time the writer took charge of this operation, four years ago, it would have

been hard to find a locality more demoralized from the effects of alcoholic beverages. Drunken brawls, ragged and dirty children, and inefficiency were in evidence at all times. On account of these conditions we made rules prohibiting the use of intoxicating liquors at our works. Of the men discharged, over 90 per cent came about through "booze."

It was one continual fight to keep from getting overdrafts on our payroll. A number of the men would be away Saturdays and Sundays and would be anything but efficient on Mondays and Tuesdays.

Very frequently subscription papers were passed around for the relief of a fellow-workman.

The difference we notice today is very marked, indeed, it having been over a year since any relief papers were made up for any of our employees. The laborers are steadier, there is very little tendency to overdrafts, and overdrafts made previous to the prohibition law are being paid off. We have not seen a drunken brawl about the place since the law came into effect, and, best of all, the children are better dressed, are cleaner, and are attending school preparing for citizenship on a higher plane than could have been possible under the old environment.

I would ask any thinking man if it has not been eminently worth while, if only for the effect it has had upon the care given to the children. Better environment for the kiddies is the equivalent of a higher standard of citizenship twenty years hence.

Yours very truly,
GLENRAY LUMBER COMPANY,
By Chas. A. Briggs, General Manager."

WHEN A STATE GOES DRY

"STATE OF WEST VIRGINIA,
DEPARTMENT OF LABOR
CHARLESTON

"Dear Sir: October 22, 1914.

Replying to your inquiry of recent date, in which you ask: "How the prohibition law has affected labor conditions generally since it became effective July 1, last," I gladly give you the conditions as I have observed them in my travels throughout the state.

When the prohibition law became effective July 1, 1914, the bartenders and brewery workers were the first to become idle. This idleness on their part was of short duration, for they received employment in other lines of business. A number went to work at trades at which they previously worked before becoming attached to the liquor business, while a very few left the state. Today these men are at work and the prohibition law has not affected them as to "prolonged idleness."

I have observed, which I consider the most favorable result of prohibition, that men who formerly came to the cities (they generally lived in the suburbs where the large factories are located) on the evening of payday, mostly Saturday evenings, and spent the large part of their weekly wages for liquors, now carry home food and clothing for the wife and children. This feature alone, in my opinion, has indicated that prohibition has been a moral and intellectual help to the welfare of the working classes.

The prohibition law has and will continue to be a wonderful help to this department in the strict enforcement of the Child Labor law. Yours very truly,

J. H. NIGHTINGALE,
Commissioner of Labor."

As a further part of the economic side of the question, attention is called to this: Nearly every community has a class of professional idlers. They do no work, and society in some way, directly or indirectly, contributes to their support. If this class would work—and physically they are able to work—the demand for labor would be largely supplied. The statement is ventured that, if the truth were known, the saloon has largely, if not principally, contributed to create this idle class in many communities. Perhaps not alone in the present generation, but in the preceding generations as well, physiological conditions were developed by use of alcoholic liquors and handed down by heredity, so that to this source might be largely traced the origin of this idle class. It is believed that in the course of time, with the passing of alcoholic liquors as beverages, this class of idlers will grow less and less.

The obligation is upon society to do the things that tend to make the conditions of society better. Whenever a man is intoxicated and arrested for being so, is fined and imprisoned in a municipal jail, that man's labor is lost, part of that man's time is lost, and the support of the family is lost. The loss to society in this phase alone is very great. Driving out the saloon decreases this loss. The following

comparative statement, made from the official reports of municipalities in West Virginia having as many as one hundred arrests in the last "wet" year, demonstrates the saving to society as a result of prohibition.

	No. arrests July 1, 1913, to June 30, 1914.....	Arrests for drunkenness July 1, 1913 to June 30, 1914.....	Arrests July 1, 1914, to June 30, 1915.	Arrests for drunkenness July 1, 1914, to June 30, 1915.....
Benwood	546	202	265	129
Buckhannon .	184	91	88	35
Charleston ...	3506	1485	1945	594
Clarksburg ..	2726	2050	643	309
Charlestown .	194	143	30	14
Fairmont	1266	842	412	201
Huntington ..	4131	1563	2696	755
Keyser	107	34	119	23
Kenova	147	115	103	58
Lester	150	71	91	33
Martinsburg .	257	135	46	16
Mannington .	105	58	79	34
Moundsville .	235	87	170	96
Parkersburg .	1376	493	632	179
Richwood ...	498	276	222	61
Weston	190	97	67	17
Wheeling ...	2901	1101	1575	419
	18519	8853	9183	2973

What more humanitarian duty has society to perform than to care for the unfortunate insane? It is now asserted that the consumption of alcoholic liquors has contributed largely to

society's loss of splendid minds, and the financial burdens of society in caring for the insane.

The following letters from Dr. L. V. Guthrie, Superintendent of the Huntington State Hospital, and from Dr. C. W. Halterman, Superintendent of the Weston State Hospital, illustrate the injurious effects of alcoholic beverages and the benefits of prohibition.

"HUNTINGTON STATE HOSPITAL
HUNTINGTON, W. VA.

Sept. 6, 1916.

"My dear Sir:

It is an admitted fact among those who are competent to judge, that alcohol in its various forms is responsible for 19.5 per cent of the cases of insanity among men living in cities, and admitted, on first commitments, to hospitals for the insane.

This takes no account of the hundreds and thousands who reach the penitentiary and the gallows from the same cause.

Since the prohibition laws have become effective in West Virginia there has been a decrease of 75 per cent in the number of cases of alcoholic insanity coming under my observation.

I have had twenty years' experience in observing the effects of alcohol in cases sent to hospitals for insane in West Virginia, and ten years in private practice, a total of thirty years.

Very truly yours,

L. V. GUTHRIE, Supt."

"WESTON STATE HOSPITAL
WESTON, W. VA.
September 19, 1916.

"Dear Sir:

Replying to your letter of recent date with respect to the effect of state-wide prohibition, beg to advise that in going over our record of admissions to this institution, we find that the number of cases admitted, where alcohol was the immediate and direct cause of mental disorder, has been largely reduced since the Yost law went into effect. You are also advised of your privilege to use this statement in a public way, at any time and in whatever manner you may deem advantageous to the cause of prohibition.

Yours very truly,
C. W. HALTERMAN, M. D.
Superintendent."

A prohibition state has less serious crime than a "wet" state. This tends to save **men** to a state—its greatest asset—and decrease the criminal expenses. The statement is now made that state-wide prohibition tends to decrease crime in the state. This statement is substantiated by the following letter from Warden M. Z. White, of the West Virginia Penitentiary.

"THE WEST VIRGINIA PENITENTIARY
M. Z. WHITE, Warden
MOUNDSVILLE, W. VA.
Sept. 22, 1916.

"Dear Sir:

In response to your letter of September 20 in regard to the effect of prohibition in this state, I beg to

advise that on the first day of August, 1914, when I assumed charge of this institution, the total population was 1,260 and today it is 1,008, a reduction of 252 in the two years that the state has been dry, and at the rate we are going now, I would not be surprised to see the population down to less than 800 by the first of January, 1917.

From what I have learned from the inmates of this institution themselves, the largest majority of them were under the influence of liquor at the time they committed the crimes for which they were convicted. There is no doubt but that prohibition has helped the citizenship of this state.

Yours very truly,

M. Z. WHITE, Warden."

It has been said that prohibition destroys property and takes from men employment. Prohibition does not destroy property. It does change the purpose for which the property is used. The room formerly used for a saloon is now rented for some legitimate business. Prohibition will throw out of employment a few men, compared with the many. There are, however, other lines of legitimate employment for these few men. Moreover, the properties that have been used for the making of intoxicating liquors may be used for other purposes, and for purposes employing a large number of men. This can be illustrated by conditions in West Virginia. The Reyman Brewing

Company, at Wheeling, had one of the largest, if not the largest, brewery in the state. The Reyman brewery has been converted into a large meat-packing plant, with a larger capital, and more men employed than were employed when the plant was used as a brewery.

The Huntington brewery, at Huntington, has likewise been converted into a large meat-packing establishment, employs a number of men, and in addition, has created a local market for the producers of live stock. The breweries at Bluefield, Fairmont and Parkersburg are now utilized as wholesale ice-cream factories, and each seems to be doing a large business. The Benwood brewery has been converted into a chemical plant, manufacturing certain chemicals from tobacco stems, and seems to be doing a more prosperous business than when a brewery. The Kanawha brewery, at Charleston, has been converted into a cold storage plant, and is used for that purpose by a large wholesale concern in that city.

Rooms that were occupied as saloons are now used for legitimate lines of business, and in many, if not most, instances, the owners receive higher rents than formerly when occupied by saloons. In a number of cities, streets which were almost wholly given over to the saloons and to the rowdy element have become

important business streets, and property located thereon commands a higher price today than it commanded when the state was "wet."

Mr. Henry Ford, the great organizing genius of Detroit, Michigan, according to statements appearing in the public press, has recently suggested to the owners of plants devoted to the manufacture of intoxicating liquors the profitable use of such plants, viz., the manufacture of denatured alcohol as fuel for motor engines.

With these few suggestions respecting the economic side of prohibition, it is hoped this chapter may awaken the interest of the reader and thus lead him to make further investigation of this side of the question.

CHAPTER XII.

The Foreigner

THE Baltimore News, some months ago, contained the following editorial:

"No better work is being done in or for Baltimore than by the Jewish Educational Alliance in its classes for immigrants. They are diligent and hopeful students, these hundreds of men and women that the Alliance teaches, determined to acquire that acquaintance with written and spoken English that will fit them for citizenship and for their battle with the world.

"The great present-day problem of immigration to this country is that of assimilating these outlanders, ignorant of our tongue as of our institutions and ideals, into the fabric of the American nation. From this mass of ignorance and prejudice comes a large, perhaps the largest part of the recruits who swell the ranks of the Industrial Workers of the World and kindred organizations. Easily influenced, easily led, because they are at a disadvantage in the struggle, they reject helpful counsels they do not understand or

the inspiration of which they regard as selfish and look on with suspicion, in favor of the visionary's wild dream or the criminal agitator's incitement to violence. Assimilation of immigration is made even more difficult by the frequent loss of sympathy between the immigrant parents and their children and the resultant failure of discipline and family solidarity. The children attend school and learn a language that is a closed book to their elders; too often it happens that they look with contempt on Old-World habits and Old-World speech.

"It is some of these conditions that the Alliance labors with such zeal, devotion and intelligence to correct. Fathers and mothers and the younger folk who will be the fathers and mothers of to-morrow are learning English for themselves and acquiring incidentally an acquaintance with American institutions. If it is permitted to suggest an addition to the curriculum, we offer the Flag Day address of Secretary of the Interior Lane, delivered to the clerks of the Interior Department and printed yesterday on the editorial page of The News. No better description of what the American flag symbolizes and of

what American patriotism means can anywhere be found."

There are many thousands of foreigners employed in the mills, mines and forests in West Virginia. They neither speak our language nor understand American institutions. Relatively speaking, it would appear that the foreigners violate law more than our own people. One familiar with the criminal courts is often impressed with the large public expense incurred in the prosecution of foreigners charged with offenses. And yet one is almost persuaded to believe that our own citizenship—state and national—is as much at fault, if not more, than the foreigner. What have we done to educate the foreigner respecting our laws and institutions? Many offenses are undoubtedly committed by foreigners for the reason that they are ignorant of our laws and institutions.

Impressed with this fact, efforts have been made to educate the foreign-speaking people in the state respecting the state's prohibition laws. Therefore, pamphlets explaining the prohibition laws have been printed in many foreign languages and distributed to the foreigners working in the mining, manufacturing and lumbering plants throughout the state. The distribution was greatly facilitated by the

co-operation of the owners and operators of such plants—the pamphlets being distributed through the pay offices with the pay envelopes. The expenses of the translations and printing were paid by the Anti-Saloon League of the state.

Recently the owner and operator of a large industrial plant expressed the opinion that the prohibition laws of the state would largely prevent disputes between capital and labor, and in a statement further said: "That he had recently conversed with a very intelligent Italian and inquired of him why his countrymen, particularly from Southern Italy, were so much inclined to be anarchistic. That the Italian had replied that in his own country, particularly in sections thereof, there were conditions which tended to make certain classes dissatisfied, and to hold anarchistic views; that they left their own and came to this country, seeking to improve their conditions; that the first reading matter, received by them, after arrival here, were anarchistic papers, printed in their own language, the general teaching whereof led them to believe that our government is oppressive and our people unfair; and that therefore naturally they were led in the direction of lawlessness rather than in the direction of becoming law-abiding citizens."

Continuing the operator said: "It would be well for patriotic citizens to organize a system, having for its object the publication of a pamphlet, setting forth in the several languages of the foreign immigrants coming to this country, the fundamental objects and purposes of our government, and that there is no need for a man to be anarchistic to succeed here; and to have such pamphlet delivered to each immigrant through the Federal immigration officers upon the arrival of the immigrant at Ellis Island."

The foreigner, however, is here. It is said by those opposed to prohibition that the foreigner comes with his fixed notions respecting the use of intoxicating liquors, and that he will have intoxicating liquors regardless of law. Such argument is not tenable. Experience teaches that the foreigner is quick to assimilate information respecting intoxicating liquors when the information is given to him in his own language. In a ward of a large city, the population whereof was made up almost entirely of foreigners, the experiment was tried. Literature against the liquor traffic, in the language of the foreigners, was distributed throughout the ward. At the municipal election the ward elected "dry" members to the city council.

Does not the foreigner have enough difficulties in a strange land? The laws, customs, language and institutions are all strange to him. **Why add to his difficulties and his problems the curse of the saloon simply because he is a foreigner!**

In many industrial centers throughout the country large numbers of foreigners are frequently found. They are employed in great industrial plants. In case of serious riots and disorders, the rioters are usually, if not always, intoxicated. In such condition they are easily led to acts of great violence resulting in destruction of property, and even the taking of life itself. **After the riot has started, the saloon is closed.** Here is a recognition of one of the causes, if not **the** cause of the highly excited condition of the rioters. **Would it not be better if the saloon were abolished rather than temporarily closed while the drunken rioter is beaten into submission?**

Again, the argument is made on behalf of the liquor traffic that the foreigner **will** have intoxicating liquors and that therefore the saloon must necessarily remain. Such argument is a reproach to American manhood and a surrender of American ideals. It is necessary that the foreigner should understand when he comes to this land that he will be gladly re-

ceived, provided he comes with the purpose of being a loyal citizen with respect for law and a desire to conform to American ideals and American institutions. And on his arrival he should be taught that American ideals will not be surrendered to suit the personal habits or notions of the foreigner. And further, that if he does not propose to respect law and conform to American ideals and American institutions, but prefers to follow the ideals and institutions of other nations, then there is no place for him in America.

Prohibiting the use of intoxicating liquors tends to turn the foreigner's attention to self-improvement. The following letter is quoted in support of the statement just made:

"MILBURN COAL COMPANY
MILBURN, W. VA.

Charleston, W. Va., January 27, 1916.

"Dear Sir:—About a week ago, two or three of our foreign miners came to the office and said that now that their whisky was taken away from them, they had nothing to do in the evening; and wanted to know if we would not start a night school so they could learn to read and write our language. I can assure you we lost no time in arranging a night school for these men. At the first meeting there were fourteen men attending, and indications are there will be twenty to twenty-five who, in the near future, will be

benefiting themselves mentally and otherwise, instead of injuring both body and mind.

Yours sincerely,
P. M. McCLANAHAN, President."

Which is better for the foreigner—to spend his evenings in drink or in the school room?

In the following chapter the relation of prohibition to preparedness is discussed. In any preparedness program the foreigner in our country occupies no small place.

Foreigners are here by the hundreds of thousands and they are annually coming to our shores by the tens of thousands. They come from countries where they were oppressed and where opportunities were small, and after arriving here, this pressure being removed, they soon acquire, through the wrong kind of education and otherwise, exaggerated ideas of liberty, and thus interpret license for liberty. With the removal of this pressure and with the acquired exaggerated ideas of liberty, they give way to indulgence and dissipation, and this indulgence and dissipation takes form partly in the use of intoxicating liquors.

These perverted ideas of liberty which the foreigner has acquired from the scheming politician as well as from the so-called personal

liberty advocate, soon develop into strong anarchistic tendencies. The result of all this is that he loses his respect for law and authority, and, consequently, his loyalty and fealty to the United States becomes a negligible quantity. And it goes without saying that without loyalty of the people there is not much use for anything else in any kind of a preparedness program.

Foreigners already here and who are still landing on our shores, their children, and their children's children are to become no small part of the future citizens of this nation. This fact must certainly be considered along with the question of preparedness. It must be admitted that the birth rate among the foreign population of this nation is much higher than among those whose ancestors have lived in this country for several generations. This large birth rate among the foreigners presents not only an economical and social question, but also a patriotic question.

In order for children to develop into the best of citizens they must be properly born and properly reared and trained. This applies, of course, to children born of any parentage, but since the birth rate is higher among the foreign population, and because of the habits of many of the parents, the question as regards them

takes on a more serious aspect. Many a child is begotten while its parents are under the influence of drink, and many a woman partakes of drink while the helpless offspring of which she is to be the mother is developing and the innocent babe comes into this world handicapped from the cradle, born with a predisposition to weaknesses in its system. It is not only an ancient statement that when a parent eats sour grapes the children's teeth are set on edge, it is also a scientific fact that children inherit predisposition to the weaknesses of their parents and that their lives are influenced by the habits and practices of their mother before the children see the light of day.

Many of the children of the foreign born population may be thus handicapped, and this fact added to the further fact that a large number of children is to be found in nearly each and every foreign family makes a question of no little importance. The many mouths to feed, the many feet to be shod, and the many little bodies to clothe by the foreign father, together with the circumstances under which these children are born, make it most important that such conditions should surround the foreigner already here as well as those who are coming here, as that each foreign father may conserve his earning power and may save to

the uttermost what he has earned, to insure these foreign children a decent beginning and a decent birth, and the proper food and clothing and environment after they have come into existence. This means the elimination of intoxicating liquors from the foreigners as well as from other men and women.

The weakness of the children brought into the world under such adverse conditions may be developed into a strong and killing appetite by permitting intoxicating liquors to remain within reach, but to keep away intoxicating liquors will prevent, or at least tend to prevent, the development of this weakness, and on the other hand will give the body and mind a chance to increase in strength and power. This foreign blood is to flow through the arteries and veins of this nation, and if we want to develop and preserve a strong manhood and womanhood and a sturdy citizenship, everything must be done that can be done to make and then keep the blood of this nation clean and pure in order that this nation may, through its people, be strong in body, mind and soul, without shame properly face the future.

CHAPTER XIII.

Preparedness

HISTORY teaches that great nations of the earth—nations that rose to splendor and fell to decay—came to their decline and end, not so much by forces without, as the undermining forces within—forces within that destroyed the morals and virtues of the citizens, and thereby destroyed the nation's first line of defense—a healthy, vigorous and righteous citizenship.

Contemporaneous events and the daily experiences of sister nations now engaged in the greatest war the world has known, all emphasize the truth that a clean, strong citizenship is the first essential of preparedness. Back of the munitions plant, back of the great gun, back of the trench, must be the man—the moral and physical man. Back of the man in the trench must be the officer who directs the movements of millions of men; and back of the officer in supreme authority must be a virile citizenship standing for civic and national righteousness—a citizenship not undermined by the vices that unfit the mind to grasp the full duty of citizenship and which leave the

body incapable of rendering efficient service in defense of the nation, whether in the shop, the field or in authority.

The great nations now at war have learned that one of the first essentials to preparedness is rigid restriction, if not, indeed, prohibition, of the use of intoxicating liquors, not alone as to the man in the field, but, also as to the citizen at home. The leading cabinet member of one of the great warring nations has recently declared that his nation is fighting three great enemies, the greatest enemy of the three being intoxicating liquors.

The building of the Panama Canal will probably make the Caribbean Sea to the western hemisphere what the Mediterranean is to the eastern hemisphere. With the return of peace and the rehabilitation of nations now at war, there will pass by us new currents of trade. With the coming of peace there will come, perhaps, the fiercest of contests for trade, and trade supremacy upon the high seas, and a shifting of races. If any nation at war should annihilate its enemy, particularly the latter's naval power, without practical destruction of its own strength, we may not be surprised if that nation should attempt to appropriate to itself, without regard to the rights of others, the high seas and the markets of the world.

Our nation, by reason of its wealth, position and prominence, may be called upon to render great services for men and nations.

New problems as great, if not greater, than the nation has ever had to face lie before us. To solve these problems, to meet conditions—conditions changing with the rapidity of the kaleidoscope—requires strong bodies and clear heads. Let us hope that we may meet them, and solve them, by peaceful means. But let us as a nation be prepared to meet the problems and the fierce competition that may be ahead of us. If it comes to the arbitrament of the sword, let us be prepared for the time when it comes.

France has learned, and learned quickly, that her national drink has undermined her people. Germany has learned that the man in the field who fights best for the Fatherland is the temperate man. England has learned that her sons make the most valiant soldiers when their endurance is not undermined by strong drink. And Russia, the nation that has surprised the world by the force of her blows—Russia has learned that she must have national prohibition. And Russia, Russia that has not been counted foremost among the most advanced nations, first of all nations has become the nation of national prohibition.

WHEN A STATE GOES DRY

We read in the press the statement that owing to their habits, less than two out of every five Americans of military age can pass the strict physical examination required. When properly considered this presents an alarming situation, and it ought to be a loud warning for us to learn, without paying the very dear price that the European nations are paying, what France has learned, what Germany has learned, what England has learned, and what slow, plodding, oppressed, sleeping Russia has learned. It may be that Providence in His kindness has favored our nation and is thus preparing us for the duties and trials that may be ahead of us, and is putting into the minds and hearts of our people a strong desire to become a nation in which the manufacture and sale of intoxicating liquors shall cease, and so to be a people whose mind and body shall be clean and strong to meet whatever emergencies may arise.

CHAPTER XIV.

The Hope of It All

MANY discouragements will come; many hearts grow faint, hands grow weary, and some give up the effort with the exclamation, "What's the use"—before the wreckage is all cleared away.

A man engaged in the effort to make effective state-wide prohibition in a state was greatly discouraged: He had almost reached the conclusion that his efforts were useless. At such a moment he heard the strains of martial music, and upon looking out of the window he beheld a great band, marching into view, and playing the inspiring air, "The Fight Is On."

Following the band was a procession of hundreds and hundreds of boys and girls, from six to twelve years of age, carrying small American flags, boys and girls marching, as it were, up through the gates of childhood, pure and eager, with the morning sunshine on their faces—and each face a promise of hope.

Irrepressible tears came into the eyes of the discouraged man, and when the procession had passed from sight, he found himself pos-

sessed of a new strength and a brighter vision. For, after all, these children, these boys and girls of to-day—the men and the women of to-morrow—**are the hope of it all.**

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